

## DEPARTMENT OF FINANCE BILL ANALYSIS

**AMENDMENT DATE:** 06/18/2012  
**POSITION:** Neutral

**BILL NUMBER:** AB 1964  
**AUTHOR:** Yamada, Mariko

### **BILL SUMMARY:** Discrimination in employment: reasonable accommodations.

This bill would expand the definition of religious creed in the Fair Employment and Housing Act to include religious dress and grooming practices. In addition, this bill would specify that an accommodation of an individual's religious dress or grooming practice requiring segregation from the public or other employees is not a reasonable accommodation; and would provide that no accommodation is required if it results in the violation of specified laws protecting civil rights.

### **FISCAL SUMMARY**

The Department of Fair Employment and Housing indicates that any increase in complaint filings resulting from this bill would be minor and absorbable within existing resources.

### **COMMENTS**

The Department of Finance is neutral on this bill because it would expand the beliefs and observances covered by the protections against religious discrimination to include religious dress and grooming practices.

The Fair Employment and Housing Act prohibits discrimination in housing and employment on the basis of race, religious creed, color, national origin, ancestry, physical or mental disability, medical condition, marital status, sex, age, or sexual orientation. Existing law provides that religious creed, religion, religious observance, religious belief, and creed include all aspects of religious belief, observance, and practice. In addition, existing law prohibits an employer to refuse to hire or employ a person because of a conflict between the person's religious belief or observance and any employment requirement unless the employer has explored all reasonable means of accommodating the religious belief or observance.

This bill would:

- Expand the definition of religious creed in the Fair Employment and Housing Act to include religious dress and grooming practices.
- Provide that religious dress practice shall include wearing or carrying religious clothing, head or face coverings, jewelry, artifacts, and any other item that is part of the observance of an individual's religious creed.
- Provide that religious grooming practice shall include all forms of head, facial, and body hair that is part of the observance of an individual's religious creed.
- Provide that an accommodation of an individual's religious dress or grooming practice is not reasonable if the accommodation requires segregation of the individual from other employees or the public; and that an accommodation, as specified, is not required if it results in a violation of law prohibiting discrimination or protecting civil rights.

Analyst/Principal (0242) J.Morozumi	Date	Program Budget Manager Lisa Ann Mangat	Date
Department Deputy Director		Date	
Governor's Office:	By:	Date:	Position Approved _____ Position Disapproved _____
BILL ANALYSIS			Form DF-43 (Rev 03/95 Buff)

**BILL ANALYSIS--(CONTINUED)****Form DF-43****AUTHOR****AMENDMENT DATE****BILL NUMBER**

Yamada, Mariko

06/18/2012

AB 1964

**COMMENTS** (continued)

- Make additional clarifying and conforming changes.

According to the author's office, the intent of this bill is to strengthen protections of religious freedoms in the workplace by clarifying that undue hardship, as defined in the Fair Employment and Housing Act, would also apply to religious discrimination; therefore clarifying federal versus state definitions of undue hardship.

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)					
	LA	(Dollars in Thousands)					
	CO	PROP					Fund
	RV	98	FC	2012-2013	FC	2013-2014	FC 2014-2015 Code
1700/Fair Employ	SO	No		-----	No/Minor Fiscal Impact	-----	0001